

CITY OF GAITHERSBURG
MINUTES OF A CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, JANUARY 7, 2013

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Ashman, Drzyzgula, Marraffa, Sesma and Spiegel. Staff present: City Manager Tomasello, Economic Development Director Loneragan, City Attorney Board, and Municipal Clerk Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Anthony Gonzalez, Boy Scout Troop 291 and Andrew Au, former Eagle Scout, Troop 289, Gaithersburg, Maryland.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Ashman, seconded by, Council Member Spiegel, that the minutes of the Mayor and Council regular meeting held December 3, 2012, be approved.

Vote: 4-0-1 (Abstained: Sesma)

Motion was made by Council Member Marraffa, seconded by, Council Member Drzyzgula, that the minutes of the Mayor and Council work session held December 10, 2012, be approved.

Vote: 4-0-1 (Abstained: Sesma)

IV. PUBLIC COMMENTS

No speakers from the public.

V. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

On behalf of the Mayor and City Council of Gaithersburg, Happy New Year to all!

The Mayor and City Council expressed congratulation to Council Member Spiegel and family on the birth their new daughter Dalia Ann Spiegel.

Council Member Spiegel

1. Thanked his colleagues and the community for all the well wishes on the birth of his daughter.
2. Reported that the State Legislative Session will begin on Wednesday, January 9, 2012. Several City Officials and staff will be in attendance to ensure that issues of importance will be heard from them and through the Maryland Municipal League's State Legislative Committee, which they serve on.
3. Announced the upcoming activities and events happening throughout Gaithersburg. More information on all events, including hours, admission fees, and ticket purchase are available at www.gaithersburgmd.gov.

Council Member Ashman

Reported that the City will push for reform of the State's ethics code during the above mentioned legislative session. In 1998, the State required municipalities depending on size and budget to pass ethics ordinances. The ordinance defined conflicts of interest which has to be

reported. The City passed its ethics ordinance pursuant to the requirement and recently made modification in 2009. One year later, the state decided to require full disclosure of financial interest, real property and family employment for all elected officials at various levels of government. Gaithersburg's legislative body agreed that the State's request for financial disclosure was too stringent and proposed amendments. Sponsors in the Senate and the House were obtained, but the bill didn't pass. He, City Attorney Board and municipal attorney Elissa LaVan, representing a number of jurisdictions, will travel to Annapolis on Thursday, January 10th to meet with Shane Robinson from the House and Senator Jamie Raskin to get Senator Bill 948 reintroduced removing references from county officials and school boards, applying only to municipal officials. The proposed amendments are believed to be in the best interest of the public, but seek to not discourage qualified candidates from serving in an official capacity. City Attorney Board mentioned that Gaithersburg is working to get support from other municipalities across the State of Maryland.

Council Member Marraffa

Encouraged citizens to get involved in municipal government and announced that the Mayor and City Council are seeking members to serve on the Constitution Gardens Ad Hoc Improvement Committee. Functions of the committee will include:

- Reviewing existing conditions of the site.
- Identifying commemorative plantings that may be restored or relocated if necessary.
- Reviewing information gathered by staff through outreach to the original donor base.
- Consulting with the Gaithersburg Police Department on safety and security issues related to park renovations.
- Gathering public input on potential improvements or modifications to the site.
- Compiling a list of prioritized options to increase the utility of the park and its environs for presentation to the Mayor and City Council in the spring of 2013.

Letters of interest should be submitted via mail by 5 p.m. on Monday, January 14, 2013 to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or sent via email to: cityhall@gaitersburgmd.gov. For more information, contact Adam Newhart at **301-258-6370 x 103** or e-mail anewhart@gaitersburgmd.gov.

Council Member Drzyzgula

Expressed a commitment to work and make the City better in the New Year.

Council Vice President Sesma

1. Reported that the Mayor and City Council conducted a closed session at City Hall on Monday, December 17, 2012, at approximately 8:40 p.m. pursuant to a motion adopted unanimously.. The meeting was proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland, Section 10-508(a)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and Section 10-508(a)(8) consult with staff, consultants, or other individuals about pending or potential litigation.. The topics discussed were the Kentlands Firehouse located at 321 Firehouse Lane, the PEPCO Rate Case, and a residential property.. Present at the meeting were Mayor Katz, Council Members Ashman, Drzyzgula, Marraffa, Sesma, and Spiegel, City Manager Tomasello, City Attorney Board, Planning and Code Director Schlichting, Neighborhood Services Director Roman and Planner Bowling (Schlichting, Roman, and Bowling left at 9:25 p.m.).. Upon conclusion of the discussion, the closed meeting was adjourned at approximately 9:30 p.m.
2. Provide well wishes in the New Year and reported that cities and towns are waiting on Congress to act on the budget which will impact local governments throughout the United States. The National League of Cities have been communicating through it channels to influence Congress to act in the best interest of all citizens.
3. Mentioned the swearing in of Congressman John Delaney, serving Congressional District 6.

4. Reported on several events in celebration of Dr. Martin Luther King, Jr. occurring throughout the area. Mentioned the Day of Service on January 21st and other activities happening throughout the week and encouraged citizens to serve their neighbors and communities. Mentioned the inauguration of President Barack Obama for a second term, scheduled for Monday, January 21st.

Mayor Katz

1. Requested the following motion:

Motion was made by Council Member Drzyzgula, seconded by, Council Member Spiegel, that the Mayor and Council conduct a closed executive session on Monday, January 7, 2013, immediately following the regular meeting. The meeting is proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic to be discussed is the establishment and/or expansion of a local business.

Vote: 5-0

2. Reported that the community is saddened by the recent passing of former longtime Ethics Commission member and resident Lee Manuel. Thoughts and prayers are with the family.
3. On Monday, January 14th, work session scheduled to receive a presentation on Hydraulic Fracturing.
4. Next regular meeting scheduled for Tuesday, January 22nd due to the Monday, January 21st Dr. Martin Luther King, Jr. Holiday.

VI. FROM THE CITY MANAGER

1. Wished the residents of Gaithersburg a Happy New Year and congratulated Council Member Spiegel and family on their new arrival.
2. Mentioned a public hearing has been scheduled for Tuesday, January 22 to declare the Kentlands Firehouse property surplus. Proper notice had been given to the public. Staff will follow-up with a resolution in February declaring the property surplus and to receive authorization to negotiate and execute an agreement with the proposed bidder.
3. Reported that staff has scheduled a budget public forum for Monday, February 11th in the City Hall Council Chambers at 7:30 p.m. The forum will be held two weeks prior to the annual Mayor and City Council Planning Retreat scheduled for Monday, February 25th, 6:30 p.m. at the Gaithersburg Upcounty Senior Center.
4. Provide an update on developing the City's new website. Staff released a Request for Proposal for Phase II of the website development and design implementation of services. Mentioned that the project had experienced delays, but staff is seeking to get it back on track.
5. Received a call from the County's Office of Management and Budget informing Gaithersburg that the County Executive has directed them to request the supplemental appropriation of up to \$300,000 for the Gaithersburg Aquatics Center renovation project; however, the funding still has to be approved by the County Council. Reported that the City had entered into an agreement with Montgomery County Public Schools to move forward with the structural repairs at the center.

VII. ECONOMIC DEVELOPMENT UPDATE

Economic Development Director Lonergan

Highlighted the noteworthy achievements for the City of Gaithersburg throughout 2012 in regards to office occupancy and business attraction and retention. These achievements assisted with the creation of new jobs and the retaining of existing jobs in Gaithersburg.

Economic Development Director Loneragan and staff were applauded for their hard work and efforts.

VIII. FROM THE CITY ATTORNEY AND OTHER STAFF

City Attorney Board

Reported that the Maryland Public Service Commission did grant the City's motion to intervene in the most recent PEPCO rate case. In addition, similar motions were granted for Montgomery County, Rockville, Somerset, Power Up Montgomery, Maryland Energy Administration, U.S. General Services Administration, AARP, as well as an association of apartment complexes. The case will be set for hearing in April 2013. Due to the importance of this issue, the Commission decided to hold public hearings on two evenings in Rockville and College Park to allow for public input.

IX. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8 p.m.